

Regulation that this Bill has been brought, but for the purpose of amending a particular Section of the Regulation which says that it shall come into force from the 1st Chingam 1101.

MR. T. J. MATTHEW (*Changanachery cum Peermade*): Does it not amount to an amendment?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): What I said was that it is not an amendment to the Bill but amending a Section which says that it shall come into force from 1st Chingam 1101. Before the law comes into force whether it can be amended is a matter of doubt.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): What will be the effect of staying it?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): It will be infructuous. But let us proceed according to the Standing Orders. It might not be possible to amend it after it has come into force. If necessary, a Bill may be brought for suspending the Regulation. So I do not think it is in order to bring forward to-day a Bill for the purpose of amending a Section of a Regulation which has not already come into force and which is not a Regulation.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): May I say a word in regard to that? I am afraid that Messrs. P. K. Narayana Pillai and Paramesvaran Pillai are under some misapprehension in regard to what a law is. A law is a command by the Sovereign; and a Bill here becomes law directly the Sign Manual is affixed thereto, whenever it may begin to operate. If it begins to operate on a future day, that again is in virtue of the command contained in the enactment. And I submit that the Civil Procedure Code Regulation is law to-day.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether this Council has any power of sovereignty?

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): That is a question which does not arise here (*Laughter*).

PRESIDENT: This Council has no power of sovereignty whatsoever (*Laughter*).

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): It is an exploded theory that a law is the command of the Sovereign.

PRESIDENT: No; in the case of Indian States where there is sovereignty, the legislative capacity is invested in the Sovereign and therefore it is an act of State.

May I take it that the House accepts the motion?

The motion was carried.

The Secretary then read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): As the Bill is a short one, I do not think it necessary to refer it to a Select Committee. Hence I propose to move that it be not referred

[Mr. Kayalam Paramesvaran Pillai.]

to a select Committee and that it may be taken into consideration at once. For that purpose Standing order No. 32 has to be suspended and I request you, Sir, to suspend the same.

PRESIDENT : I suspend the Standing Order.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : I move that the Bill may be taken into consideration at once.

MR. N. NILAKANTA PILLAI (*Secretary to Government*) : I second it.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : I beg to move an amendment. I move that the word "Makaram" be substituted for "Medam".

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : I support the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I may explain why I put Medam. I put 1st Medam so that, when the civil courts re-open after the midsummer recess, they may have a new law.

PRESIDENT : Government are quite willing to accept that amendment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : The Bar Association wanted only six months' time to get themselves ready with the Civil Procedure Code.

PRESIDENT : I suppose there is no objection to making it 1st of Makaram.

The amendment was accepted.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : I move that the Bill be taken up and passed to-morrow.

MR. N. NILAKANTA PILLAI (*Secretary to Government on other duty*) : I second the motion.

The motion was carried.

THE LIMITATION REGULATION AMENDING BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : I beg to introduce a Bill to amend the Limitation Regulation, VI of 1100. Copies of the Bill have already been circulated among the members; and I move that the Bill be read in Council.

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*) : I second it.

The motion was carried.

The Secretary then read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I request you Sir to suspend Standing Order No. 32, so that the Bill may be taken up for consideration at once.

PRESIDENT: I suspend the Standing Order.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I move that the Bill be not referred to a select committee and that it be taken up for consideration at once.

MR. K. GEORGE (*Financial Secretary to Government*): I second it.

The motion was carried.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I beg to move the following amendment.

Substitute "Makaram" for "Medam".

MR. T. J. MATTHEW (*Changanachery cum Peermade*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I accept it.

The amendment was accepted by the Council.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I move that the Bill be taken up and passed to-morrow.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): I second it.

The motion was carried.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): In this connection, I may draw the attention of the House to one matter. These Regulations are printed in very small type and on very shabby paper. The practice elsewhere is to print them in bolder type and on thicker paper. It may be sold to practitioners of law and other persons and the cost may be realised. The Civil Procedure Code, if it is printed on better paper, would fetch about Rs. 1½.

PRESIDENT: I think it is only a *Gazette Extraordinary* that has been put into your hands. If the type is standing, we will have it printed, as you suggest, on better paper.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): The bills may be printed on this paper; but when they emerge as Regulations, they ought to be printed on better paper.

PRESIDENT: If the Superintendent of the Government Press has the type standing, we will ask him to print this on better paper.

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): Instructions have already been issued to print these two Regulations on better paper, so that they may be issued for sale.

PRESIDENT: The House will now adjourn and meet at half-past eleven to-morrow morning.

The House adjourned at 5-20 P. M.

T. P. RAMASUBBA AIYAR,
Secretary to the Legislative Council.

SUPPLEMENT I.

THE FOLLOWING BILL, TOGETHER WITH THE STATEMENT OF OBJECTS AND REASONS, IS PUBLISHED FOR GENERAL INFORMATION UNDER RULE 29 OF THE LEGISLATIVE COUNCIL RULES.

A REGULATION TO AMEND THE CODE OF CIVIL PROCEDURE,
REGULATION VIII OF 1100.

Whereas it is expedient to postpone the commencement of the Code of Civil Procedure, Regulation VIII of 1100; It is hereby enacted as follows :—

Substitute "Medam" for "Chingam" in Section 1 (2) of the Code of Civil Procedure, Regulation VIII of 1100.

Statement of objects and Reasons.

The Code of Civil Procedure Bill passed by the Legislative Council in its last session is to come into operation on the 1st day of Chingam 1101. It is a long and important measure affecting even the details of the procedure in Civil Courts. Representation has been received by Government for the postponement of the commencement of the measure. It is felt that it will be advantageous for all parties concerned, the Courts, litigants and practitioners, that they are allowed ample time to acquaint themselves with the measure after its publication as a Regulation. Hence the present Bill is drafted to postpone the commencement of the Code of Civil Procedure to the 1st Medam 1101.

(By order)

T. P. RAMASUBBA AIYAR,

Secretary to the Legislative Council.